

QUIN DENVIR, Bar #49374  
Federal Defender  
ALLISON CLAIRE, Bar #170138  
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Attorney for Petitioner  
MONTERIO TYRONE PINCKNEY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONTERIO TYRONE PINCKNEY,	)	NO. CIV S-05-0144 FCD GGH P
	)	
Petitioner,	)	
	)	
v.	)	<b>STIPULATION AND [PROPOSED] ORDER</b>
	)	<b>EXTENDING TIME TO FILE JOINT</b>
	)	<b>SCHEDULING STATEMENT</b>
D.L. RUNNELS, Warden,	)	
	)	
Respondent.	)	
	)	
	)	

Petitioner, MONTERIO TYRONE PINCKNEY, and Respondent, D.L. RUNNELS, by and through their undersigned counsel, hereby agree and stipulate as follows:

1. Counsel was appointed for petitioner by order filed March 11, 2005. For reasons unknown to the undersigned, the order never reached the Habeas and Appeals Unit of the Federal Defender's Office. On April 14, 2005, Assistant Federal Defender Ann McClintock received a telephone call from the Office of the Attorney General regarding the status of this case. No case file for Mr. Pinckney had been opened in this office, and counsel had not yet been assigned.

1           2. Assistant Federal Defender Allison Claire has now been  
2 assigned to represent Mr. Pinckney. Newly-assigned counsel has no  
3 familiarity with the case. Time is required to obtain a copy of the  
4 district court file, copies of all files and transcripts related to the  
5 underlying criminal case, and the files of past and pending collateral  
6 state proceedings. Petitioner's counsel cannot prepare a joint  
7 scheduling statement without preliminary review of these documents and  
8 files.

9           3. Deputy Attorney General Laura Simpton, counsel for  
10 respondent, was also unaware of the order appointing counsel, directing  
11 service of the petition, and requiring a joint scheduling statement.  
12 Recent implementation of a new computerized document management system  
13 in the Office of the Attorney General has caused delays in the receipt  
14 of documents, and related administrative problems. As the result of  
15 this transition, counsel for respondent was unaware of the need to  
16 prepare a joint scheduling statement until April 14, 2005. Counsel for  
17 respondent has not yet personally received the petition and related  
18 files. Respondent's counsel cannot prepare a joint scheduling  
19 statement without preliminary review of all documents and files related  
20 to the case.

21           4. Accordingly, the parties respectfully request that the  
22 deadline for the joint scheduling statement be extended to May 30,  
23 2005.

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25 ///

26 ///

5. Counsel for respondent has authorized the undersigned to electronically sign this document on her behalf.

Dated: April 15, 2005

Respectfully submitted,

QUIN DENVIR  
Federal Defender

/s/  
ALLISON CLAIRE  
Assistant Federal Defender  
Attorneys for Petitioner  
MONTERIO TYRONE PINCKNEY

Dated: April 15, 2005

BILL LOCKYER  
Attorney General

/s/  
LAURA SIMPTON  
Deputy Attorney General  
Attorneys for Respondent  
D.L. RUNNELS

**[PROPOSED] ORDER**

By stipulation of the parties and for good cause shown, the parties' joint request for an extension of time to file the scheduling statement is hereby GRANTED. The joint scheduling statement shall be filed no later than May 30, 2005.

IT IS SO ORDERED.

Dated: 4/20/05

/s/ Gregory G. Hollows

HON. GREGORY G. HOLLOWES  
U.S. Magistrate Judge

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